

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:22-cv-56-MOC**

**CHRISTA ANN BALDWIN,**

**Plaintiff,**

**v.**

**KILOLO KIJAKAZI,  
Acting Commissioner of  
Social Security**

**Defendant.**

**ORDER**

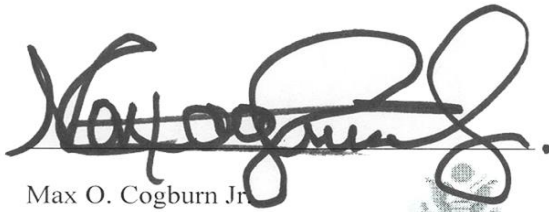
**THIS MATTER** is before the Court on Plaintiff's Motion for Attorney Fees and Costs Pursuant to the Equal Access to Justice Act 28 U.S.C. § 2412(d)(1)(A). (Doc. No. 21). The parties have agreed to stipulate to an award in the amount of \$5,431.19 in attorney fees and \$402 in costs under the EAJA as reasonable in this case. (Doc. No. 22). Having reviewed the motion, supporting materials, memorandum in support, and the case file, the Court determines that Plaintiff should be awarded attorney fees in the amount of \$5,431.19 and costs in the amount of \$402 under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d).

**ORDER**

**IT IS, THEREFORE, ORDERED** that the Plaintiff's Motion for Attorney Fees Under the Equal Access to Justice Act 28 U.S.C. § 2412(d)(1)(A), Doc. No. 21, is **GRANTED**, to the extent that the Court will award attorney fees in the amount of \$5,431.19 and costs in the amount of \$402. Payment will be made by check payable to Plaintiff's counsel in accordance with Plaintiff's assignment to his attorney of his right to payment of attorney's fees under the Equal Access to Justice Act, and that pursuant to Astrue v. Ratliff, 560 U.S. 586 (2010), the fee award

will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor an assignment of EAJA fees and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

Signed: September 26, 2023



Max O. Cogburn Jr.  
United States District Judge